

# The Flinn Report Illinois Regulation

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Joint Committee on Administrative Rules  
Illinois General Assembly

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*Illinois Regulation is a summary of the weekly regulatory decisions of State agencies published in the Illinois Register and action taken by the Illinois General Assembly’s Joint Committee on Administrative Rules. Illinois Regulation, also titled The Flinn Report in memory of founding JCAR member Rep. Monroe Flinn, is designed to inform and involve the public in changes taking place in agency administration.*

## Proposed Rulemakings

### ■ DISEASE REPORTING

The DEPARTMENT OF PUBLIC HEALTH proposed amendments to Control of Communicable Diseases Code (77 IAC 690; 47 Ill Reg 7323) that change the name of the Part to Control of Notifiable Diseases and Conditions Code and clarify or update various measures that DPH may take concerning the diseases and conditions listed in the Part. Healthcare providers and workers, local health authorities, food service businesses, schools, and child care facilities may be affected by this rulemaking.

#### Definitions

The rulemaking replaces references to “dangerously contagious or infectious” diseases that must be reported to and investigated by DPH with “notifiable diseases and conditions”. Notifiable diseases or conditions that must be reported

to DPH under this Part include diseases deemed to be “of public interest by reason of their contagiousness, severity or frequency”. The rulemaking updates definitions for terms currently used in regard to disease prevention and updates incorporated and referenced federal regulations and guidance, State statutes, and State regulations. The rulemaking also clarifies that sexually transmitted diseases and conditions are not reportable under this Part because reporting requirements for these conditions are established elsewhere in rule.

#### Notifiable Diseases/Conditions

The list of currently reportable diseases and conditions in this Part has been updated as follows:  
— *Reportable within 3 hours:* confirmed, suspected or probable

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## Adopted Rules

### ■ DRIVER’S LICENSES

The SECRETARY OF STATE adopted amendments to Issuance of Licenses (92 IAC 1030; 47 Ill Reg 73 and 1295) effective 5/17/23, combining two separately proposed rulemakings and replacing emergency amendments that were effective 12/20/22 and 1/13/23. This rulemaking implements PA 102-1103 by extending an exemption from required road testing for driver’s license renewal applicants ages 75-78 until 10/1/23. (Commercial Driver’s License (CDL) holders age 75 and older must continue to take the road test.) It also allows drivers whose licenses expired in 2020, 2021 or 2022 and have violations that require them to take a written test every other renewal cycle to defer the written test for another renewal

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**ADOPTED RULES:** Rules adopted by agencies this week. **EMERGENCY RULES:** Adopted for a temporary period not to exceed 150 days.  
**PROPOSED RULES:** Rules proposed by agencies this week, commencing a 45-day First Notice period during which public comments must be accepted.  
**PEREMPTORY RULES:** Rules adopted without prior public notice or JCAR review as authorized by 5 ILCS 100/5-50.  
■ Designates rules of special interest to small businesses, small municipalities, and not-for-profit corporations. Agencies are required to consider comments from these groups and minimize the regulatory burden on them.  
**QUESTIONS/COMMENTS:** Submit mail, email or phone calls to the agency personnel listed below each summary.  
**RULE TEXT:** Available on the Secretary of State ([www.cyberdriveillinois.com](http://www.cyberdriveillinois.com)) and General Assembly ([www.ilga.gov](http://www.ilga.gov)) websites under Illinois Register. Second Notice text (original version with changes made by the agency during First Notice included) is available on the JCAR website.

## Adopted Rules

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cycle if they were due to take the test on or prior to 12/31/22. This deferral does not apply to CDL holders. Other amendments waive additional testing for holders of out of State CDLs who wish to obtain Illinois CDLs and whose previous CDLs have been expired for less than 12 months. Out of State CDL holders with passenger or school bus endorsements who are seeking the same endorsements in Illinois are exempt from testing only if their CDL has been expired for 30 days or less. (Previously, only current valid CDL holders were exempt from testing.) Holders of out of State CDLs and their employers are affected.

*Questions/requests for copies: Pamela Wright, SOS, 298 Howlett Building, Springfield IL 62756, 217/785-3094, [pwright@ilsos.gov](mailto:pwright@ilsos.gov)*

### DPH RULE UPDATES

The DEPARTMENT OF PUBLIC HEALTH adopted amendments to Skilled Nursing and Intermediate Care Facilities Code (77 IAC 300;

46 Ill Reg 20656), Sheltered Care Facilities Code (77 IAC 330; 46 Ill Reg 20681), Illinois Veterans' Homes Code (77 IAC 340; 46 Ill Reg 20701) and Specialized Mental Health Rehabilitation Facilities Code (77 IAC 380; 46 Ill Reg 20716), all effective 5/17/23, that update incorporations by reference of federal regulations and guidelines, State statutes, and applicable State regulations.

*Questions/requests for copies of the 4 DPH rulemakings: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield, IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov).*

### PCB RULE UPDATES

The POLLUTION CONTROL BOARD adopted amendments to Introduction (35 IAC 601; 46 Ill Reg 8604), Permits (35 IAC 602; 46 Ill Reg 8628), Ownership and Responsible Personnel (35 IAC 603; 46 Ill Reg 8669), Design, Operation and Maintenance Criteria (35 IAC 604; 46 Ill Reg 8676), Primary Drinking Water Standards (35 IAC 611; 46 Ill Reg

8724), Existing Activities in a Setback Zone or Regulated Recharge Area (35 IAC 615; 46 Ill Reg 8748), New Activities in a Setback Zone or Regulated Recharge Area (35 IAC 616; 46 Ill Reg 8794), Regulated Recharge Areas (35 IAC 617; 46 Ill Reg 8840) and Maximum Setback Zones (35 IAC 618; 46 Ill Reg 8864), all effective 5/16/23. These rulemakings implements Executive Order 2016-13, which required agencies to identify and repeal or amend outdated, repetitive, confusing or unnecessary rules. The amendments to these Parts are intended to be non-substantive clarifications identified by PCB and the Illinois Environmental Protection Agency.

*Questions/requests for copies of the 9 PCB rulemakings: Clerk's Office, PCB, 60 E. Van Buren St., Suite 630, Chicago IL 60605. Please reference Docket R18-23. Copies of the Board's opinion and order can be requested at 312/814-3620 or downloaded at [pcb.illinois.gov](http://pcb.illinois.gov).*

## Proposed Rulemakings

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cases of measles and variant Influenza A cases.

— *Reportable within 24 hours:* COVID-19 cases that are laboratory confirmed or connected to a pediatric death or intensive care unit admission (currently, all suspected or confirmed COVID-19 cases must be reported within

3 hours); acute flaccid myelitis; streptococcal infections in hospitals or residential facilities; respiratory syncytial virus (RSV) deaths in children under age 5; lab confirmed influenza deaths in persons under 18 (currently, reportable within 7 days); cronobacter cases in infants under 1 year old.

— *Reportable within 3 (currently 7) days:* multi-drug resistant organisms (MDROs) deemed to be of epidemiological importance; tickborne infections, including African Tick Bite Virus, Bourbon Virus, and Heartland Virus. Arboviral infections (those spread by mosquitoes) in this category

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now include Zika, which can also be transmitted sexually. Guidance on prevention strategies must be provided to Zika cases and their sexual contacts. If a person with Zika or West Nile Virus has recently donated blood, the donation facility must also be notified.

— *Require notification to emergency personnel who may have been exposed:* now includes monkeypox, hantavirus, and histoplasmosis (currently, tuberculosis, meningococcal disease, plague, rabies, and hemorrhagic fevers including Ebola).

Persons required to report notifiable diseases and conditions of which they have knowledge now include infection preventionists, pharmacy technicians, and animal control or animal shelter employees. Procedures for reporting notifiable diseases and conditions electronically via the Electronic Disease Surveillance System (currently, the Illinois-National Electronic Disease Surveillance System or I-NEDSS) are also updated.

## Outbreaks

The number of cases used to determine an outbreak in a community, facility, workplace or region will vary based on the disease/condition, site conditions and hazards, size and type of population exposed, previous exposure or lack of exposure to the disease, and the time and place of occurrence. An existing requirement for individuals and

business owners to cooperate with public health authorities in the event of an outbreak has been expanded to include instances of “confirmed health care association or colonization” of a notifiable condition, as well as “a single case with public health significance”. Outbreaks of zoonotic diseases (transmissible from animals to humans) must be reported by veterinarians, animal control officials, animal holding facility personnel, pet store owners and wildlife professionals. Information that DPH may request when an outbreak is being investigated includes any utilization of therapeutics, vaccinations, prophylactics, or other products intended to mitigate the spread of the disease; employee work schedules, logs, and records of illnesses or absences; invoices; and shopper card records. Reports of an outbreak must be entered into DPH’s system by the local health authority within 24 hours, and final information must be entered within 30 days after investigation is concluded.

## Investigations

In “extreme circumstances” when highly infectious diseases or conditions with high risk of death or complications are involved and normal attempts to contact cases in the course of an investigation have failed, DPH may obtain access to computer, cell phone, or mobile device data from a case in order to identify possible contacts or exposures. State and local law enforcement shall also share information with DPH or local

health departments if requested for the control, treatment, response, investigation or prevention of a notifiable disease, condition or outbreak.

## Schools

With regard to schools and child care facilities, this rulemaking clarifies that persons infected with a reportable infectious disease shall be barred from the school or facility until they are free of fever, diarrhea and/or vomiting for at least 24 hours without the use of fever reducing medication (currently, “while acute symptoms are present”). Identifiable information regarding any student or staff member, including their name or contact information, can be reported to DPH or local public health authorities for any notifiable disease or condition for which DPH currently requires reporting within 3 to 24 hours, including but not limited to Hepatitis A, measles, pertussis (whooping cough), or any disease or condition outbreak.

## Food Service and Healthcare

Health care workers are now specifically cited as among the “sensitive occupations” in which persons with diarrhea, vomiting or other infectious symptoms cannot work until 48 hours after those symptoms have resolved. Persons with jaundice are now prohibited from working in sensitive occupations until 7 days after the jaundice has ceased, unless the employee provides documentation from a health care provider that the jaundice is not caused by

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## Proposed Rulemakings

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Hepatitis A or another fecal-orally transmitted infection. Local health authorities may notify food service business owners that an employee with a disease that can be transmitted via food cannot return to work until the local health authority has cleared the employee to return.

### Confidentiality

Data that must be kept confidential by DPH when reported in connection with a notifiable disease or condition or outbreak includes: personally identifying information regarding any individual (e.g., name, sex, age, address, telephone number, Social Security Number); medical record or health insurance file/account numbers; and data for geographic areas smaller than zip codes. With regard to food-related outbreaks, recipes, vendor and distributor information collected in the course of an investigation will be treated as confidential. Epidemiologic information exchanged between DPH, local health authorities, the Centers for Disease Control and Prevention (CDC), or other State or federal agencies is also considered confidential, but may be shared with public health partners as necessary for purposes of an outbreak or illness investigation.

### ■ SICKLE CELL DISEASE

DPH also proposed a new Part titled Sickle Cell Disease Prevention, Care, and Treatment Program (77 IAC 663; 47 Ill Reg

7310) implementing PA 102-4, which created the Sickle Cell Prevention, Care and Treatment Program Act and Sickle Cell Chronic Disease Fund. The rulemaking establishes a competitive grant process to support prevention, care, and treatment of sickle cell disease (a genetic disorder, most prevalent among persons of African, Mediterranean or Middle Eastern descent, that causes red blood cells to take on a sickle or crescent shape and impairs their ability to carry oxygen) as well as educational programs concerning the disease and the genetic trait that causes it. Priority for grant awards will be given to established community-based organizations with at least 2 years' experience serving sickle cell patients and their families. Grant recipients must comply with the requirements of the Grant Accountability and Transparency Act. Maximum grant amounts will be determined by DPH based on available funding. Grant funds may be used to establish or expand direct care services (including preventive, home-based or self-administered care) for sickle cell patients; establish new infusion centers; increase access to pain management and mental health services; provide genetic and/or psychological counseling for persons testing positive for sickle cell disease or trait; and provide education regarding the disease and trait to medical students/residents, immigrants, schools and universities, community health workers, and the general public. The PA and this rulemaking also

require DPH to conduct an ongoing study to determine the prevalence, impact, and needs of individuals with sickle cell disease and sickle cell trait in Illinois and submit a report to the General Assembly every 2 years beginning 7/1/24. Those affected by this rulemaking include healthcare providers and non-profit organizations serving persons with sickle cell disease and their families.

### SEXUAL ASSAULT

DPH proposed amendments to Sexual Assault Survivors Emergency Treatment Code (77 IAC 545; 47 Ill Reg 7235) implementing PA 102-1106. The PA and this rulemaking clarify that "pediatric health care facility" means a clinic or physician's office that provides medical services to patients under the age of 18 (rather than to pediatric patients). Other amendments clarify that the required transfer or treatment plan hospitals must submit to DPH must either transfer all sexual assault survivors to another facility; transfer pediatric survivors (under age 13) and provide medical forensic services to survivors age 13 and older; or provide medical forensic services to all survivors. The rulemaking also imposes, effective 1/1/24, a fine of \$500 for each day that a hospital is out of compliance with DPH's requirements for approved transfer or treatment plans. The \$500 per day fine will also be imposed if a hospital, pediatric

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health care facility, or federally qualified health center, following a compliance review, submits two successive plans of correction that are rejected by DPH.

## ■ STUDENT ASSISTANCE

DPH also proposed amendments to Student Loan Repayment Program Code (77 IAC 582; 47 Ill Reg 7270) implementing PA 101-118 by making eligible health care providers (currently, primary care physicians) eligible for educational loan repayment assistance in accordance with the Underserved Health Care Provider Workforce Act. The rulemaking also updates and adds various definitions (e.g., advanced practice registered nurse, board-certified physician, board-eligible physician, medical facility) and changes “suspension” of a loan repayment obligation to “deferment”. Health care providers that have received loan repayment assistance from DPH, and their employers, may be affected.

*Questions/requests for copies/ comments on the 4 DPH rulemakings through 7/17/23: Tracey Trigillo, DPH, 524 S. Second St., 6th Floor, Springfield IL 62701, 217/782-1159, [dph.rules@illinois.gov](mailto:dph.rules@illinois.gov)*

## ■ BUILDING CODES

The CAPITAL DEVELOPMENT BOARD proposed amendments to Illinois Energy Conservation Code (71 IAC 600; 47 Ill Reg 7177) incorporating the 2021

edition (currently the 2018 edition) of the International Code Council’s International Energy Conservation Code (IECC), with certain Illinois-specific amendments, as the energy code for Illinois in accordance with the Energy Efficient Building Act. Technical updates and amendments address building envelope; electrical power and lighting systems; total building performance; additions, alterations and repairs of existing buildings; alternative compliance methods; and duct and ventilation requirements for residential buildings. The rulemaking also implements Public Act 102-0662 by adding 5 new members to the Illinois Energy Conservation Advisory Council: a representative from an environmental justice group; a representative of a nonprofit or professional environmental advocacy association; and energy-efficiency advocates with technical expertise in single-family residential buildings, multifamily buildings, and commercial buildings. Those affected by this rulemaking include businesses constructing, renovating or expanding commercial and residential building structures and units of local government that issue building permits.

*Questions/requests for copies/ comments through 7/17/23: Lisa Hennigh, CDB, 401 S. Spring St., 3<sup>rd</sup> Fl. Stratton Building, Springfield IL 62706, 217/524-6408, [CDB.BuildingCode@illinois.gov](mailto:CDB.BuildingCode@illinois.gov)*

## ■ WITNESS PROTECTION

The ILLINOIS CRIMINAL JUSTICE INFORMATION AUTHORITY proposed a new Part titled Violent Crime Witness Protection Program (20 IAC 15090; 47 Ill Reg 7219) implementing the Violent Crime Witness Protection Act [720 ILCS 173] by establishing a grant program designed to protect victims and witnesses who are actively aiding in the prosecution of violent criminals, as well as appropriate related persons (e.g., children, parents or guardians of a victim or witness) determined by the Authority to be at risk of a discernable threat of violent crime. Eligible persons include those who assist the Attorney General or a State’s Attorney’s office in the prosecution of a violent crime by providing a witness statement to law enforcement, providing testimony necessary for the issuance of a warrant, or testifying at a criminal trial. ICJIA will provide grants to local law enforcement agencies, State’s Attorney’s offices or to the Office of the Attorney General reimbursing them for the cost of providing assistance to eligible persons, which may include up to one year of emergency or temporary living costs; moving expenses; rent, utilities and security deposits; mental health treatment; lost wages assistance; and other appropriate relocation or transition expenses. Grants are subject to the conditions of the Grant Accountability and Transparency Act (GATA). Allowable covered

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expenditures must be incurred on or after 1/1/23 and before the cutoff date announced in the Notice of Funding Opportunity (NOFO) posted when funding becomes available. County governments that apply for grants must demonstrate ability to cover at least 25% of the payments made to victims and witnesses under this program, or show good cause for their inability to cover these costs. Sheriff's departments must notify the county State's Attorney of their intent to seek reimbursement under this program. In accordance with the Rights of Crime Victims and Witnesses Act, records required to be kept for this program should not include the true names of crime victims; if access to this information is necessary, the grant recipient and ICJIA must take steps to ensure its confidentiality. Other provisions address program eligibility, documentation of allowable expenditures by the victim/witness and the agency or office applying for the grant, the grantee selection process, GATA compliance, and requirements for reimbursement requests. Those affected by this rulemaking include county State's Attorney's and sheriff's offices and non-profit agencies providing assistance to violent crime victims.

*Questions/requests for copies/ comments through 7/17/23: Kristina Dion, ICJIA, 60 E Van Buren St., 6<sup>th</sup> Floor, Chicago, IL 60605, [Kristina.Dion2@illinois.gov](mailto:Kristina.Dion2@illinois.gov)*

## ■ AUDIT PILOT PROGRAM

The DEPARTMENT OF REVENUE proposed a new Part titled Local Government Recapture Act and Certified Audit Pilot Program (86 IAC 850; 47 Ill Reg 7387) implementing PA 101-628, which governs the Local Government Revenue Recapture Act and the Certified Audit Pilot Project. The PA and this rulemaking establish a process by which municipalities or counties that receive a disbursement of tax proceeds from DOR may contract with third parties to ensure that the municipality or county receives the correct tax disbursements. They also create a Certified Audit Pilot Program (effective 1/1/21 through 12/31/25) that allows taxpayers to engage a qualified practitioner (i.e., a CPA who has completed a training course for this program) to perform a certified audit, based on an actionable referral by a municipality, county, or registered third party. These audits may investigate whether a taxpayer has reported receipts in the proper jurisdiction; whether purchases used or consumed by the taxpayer were properly taxed; evaluate sales reported as tax-exempt; determine whether the proper tax rate was charged, or whether a tax was properly reported as sales or use tax; and any other factor that may affect how DOR allocates tax disbursements to a unit of local government. Penalties due on any tax liabilities revealed by a certified audit will be waived. The rulemaking sets forth requirements for municipalities, third parties, qualified practitioners, and DOR to

participate in the program, including confidentiality, registration, training, and grounds for approval or rejection of participation by taxpayers. Other provisions address requirements for conducting certified audits, review of agreed-upon procedures and certified audits conducted by qualified practitioners, and provisions for taxpayers to obtain informal and formal review of certified audit results. Those affected by this rulemaking include municipalities, small businesses, and qualified practitioners who may be engaged to perform certified audits.

*Questions/requests for copies/ comments through 7/17/23: Alexis Overstreet, DOR, 101 W. Jefferson St., Springfield IL 62794, 217/782-2844.*

## SPMB ORGANIZATION

The STATE POLICE MERIT BOARD proposed an amendment to the Part titled Public Information, Rulemaking and Organization (2 IAC 2050; 47 Ill Reg 7420) reflecting PA 101-652, which increased the Board's membership from 5 to 7 members. The rulemaking defines a quorum for transaction of Board business as a simple majority of members, discounting any vacant seats not filled by the Governor.

*Questions/requests for copies/ comments through 7/17/23: Daniel Dykstra, SPMB, 531 Sangamon Ave. East, Springfield IL 62702, fax 217/786-0181, [ddykstra@ispmeritboard.org](mailto:ddykstra@ispmeritboard.org)*

## Second Notices

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The following rulemakings were moved to Second Notice this week by the agencies listed below, commencing the JCAR review period. These rulemakings will appear in next week's *Illinois Register* and be considered at the June 13, 2023, meeting in Chicago. Other items not published in the *Register* or The Flinn Report may also be considered. Further comments concerning these rulemakings should be addressed to JCAR using the contact information on page 1.

### DEPT OF HUMAN SERVICES

Child Care (89 IAC 50; 47 Ill Reg 1159) proposed 1/27/23

Electronic Prescription Monitoring Program (77 IAC 2080; 46 Ill Reg 16961) proposed 10/14/22

### IL EMERGENCY MANAGEMENT AGENCY

Standards for Protection Against Radiation (32 IAC 340; 47 Ill Reg 4094) proposed 3/31/23

Licenses and Radiation Safety Requirements for Irradiators (32 ISC 346; 47 Ill Reg 4133) proposed 3/31/23

Radiation Safety Requirements for Industrial Radiographic Operations (32 IAC 350; 47 Ill Reg 4154) proposed 3/31/23

Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (Repealer) (32 IAC 351; 47 Ill Reg 4171) proposed 3/31/23

Radiation Safety Requirements for Wireline Service Operations and Subsurface Tracer Studies (New Part) (32 IAC 351; 47 Ill Reg 4196) proposed 3/31/23

### IL STUDENT ASSISTANCE COMMISSION

General Provisions (23 IAC 2700; 47 Ill Reg 3333) proposed 3/10/23

Illinois National Guard (ING) Grant Program (23 IAC 2730; 47 Ill Reg 3359) proposed 3/10/23

Minority Teachers of Illinois (MTI) Scholarship Program (23 IAC 2763; 47 Ill Reg 3364) proposed 3/10/23

### DEPT OF NATURAL RESOURCES

Conservation Police Office Professional Standards (17 IAC 2050; 47 Ill Reg 3153) proposed 3/10/23

### OFFICE OF THE STATE FIRE MARSHAL

Fire Equipment Distributor and Employee Standards (41 IAC 251; 47 Ill Reg 4251) proposed 3/31/23

Fire Equipment Administrative Procedures (Repealer) (41 IAC 280; 47 Ill Reg 4299) proposed 3/31/23

### SECRETARY OF STATE

General Rules, Definitions (92 IAC 1000; 47 Ill Reg 3088) proposed 3/3/23

Secretary of State Standard Procurement (44 IAC 2000; 47 Ill Reg 2619) proposed 2/24/23

Secretary of State Standard Procurement (44 IAC 2000; 47 Ill Reg 4227) proposed 3/31/23

Cancellation, Revocation or Suspension of Licenses or Permits (92 IAC 1040; 47 Ill Reg 1659) proposed 2/3/23